

Article III. Zoning

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This Article establishes zoning districts and describes the various uses permitted within the zoning districts, as well as design regulations. Several types of zoning districts are established. First, “Base” zoning districts are established in Division 2. These districts divide the City into various residential, commercial and industrial zones. Each district establishes uses which are permitted “as of right” and as a specific use. A use permitted as of right is compatible with the other uses within the district and, therefore, requires only administrative approval. Specific Uses require a public hearing in order to assess whether conditions are needed in order to make the use compatible with other uses in the district.

“Overlay” Districts are established in Division 4. Within these districts, the standards of both the Base and Overlay districts apply. These districts address special situations such as groundwater recharge, historic preservation, airport hazards, and utility conversions where the Base District regulations are not sufficient to protect the public.

“Special” Districts established in Division 5 involve uses which cannot be adequately addressed by the Base District regulations. Unlike the Overlay districts, these districts are independent of the Base zoning districts. The Special Districts have separate use and design regulations.

Division 6 establishes incentives in the form of additional density and other regulatory measures in order to encourage the provision of affordable housing, the preservation of environmental resources, the dedication of right-of-way for arterial streets, and the redevelopment of underutilized sites. Landowners are permitted through rezoning to transfer densities from sites that are inappropriate for development to sites that are suitable for increases in density.

Some uses, while permitted in a zoning district, raise special concerns which require additional, uniform regulations. These regulations are established in Division 7. They apply regardless of whether the use is permitted as of right or as a Specific Use within the district.

This Article implements the following policies of the Master Plan:

- *Growth Management, Policy 1b: Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations.*
- *Growth Management, Policy 1b: Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas.*
- *Growth Management, Policy 1f: Encourage a balance of new development and redevelopment.*
- *Neighborhoods, Goal 4: Promote the provision of sound and affordable housing to all San Antonians.*

Other goals and policies of the Master Plan applicable to specific districts and/or uses are referenced elsewhere in this Article.

DIVISION 1. GENERAL

35-301 Purpose

Pursuant to VTCA Local Government Code § 211.001, the purpose of this article is to promote the public health, safety, morals, or general welfare and to protect and preserve places and areas of historical, cultural, or architectural importance and significance. Pursuant to VTCA Local Government Code § 211.004, these regulations are adopted in accordance with the Master Plan and are designed to:

- *lessen congestion in the streets;*
- *secure safety from fire, panic, and other dangers;*
- *promote health and the general welfare;*
- *provide adequate light and air;*
- *prevent the overcrowding of land;*
- *avoid undue concentration of population; or*
- *facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.*

Consistent with the Master Plan, these regulations are designed to foster the following subsidiary purposes:

- *Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations; and*
- *Ensure that new development is compatible with surrounding development in use, character and size; and*
- *Provide for land uses which serve important public needs, such as affordable housing and employment generators; and*
- *Promote mixed-use buildings and mixed-use neighborhoods; and*
- *Promote infill housing and downtown retail and residential development; and*
- *Integrate civic uses into neighborhoods; and*
- *Protect natural resources; and*
- *Encourage retail development downtown.*

In accordance with the foregoing purposes, this Article establishes regulations governing the following:

- *the height, number of stories, and size of buildings and other structures;*
- *the percentage of a lot that may be occupied;*
- *the size of yards, courts, and other open spaces;*
- *population density; and*
- *the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.*

- *In the case of designated places and areas of historical, cultural, or architectural importance and significance, this Article regulates the construction, reconstruction, alteration, or razing of buildings and other structures.*
- *the bulk of buildings.*

35-302 *General Requirements*

- (a) No land shall be used or occupied and no structures shall be designed, erected, altered, used or occupied except in conformity with all regulations herein established in this Article, compliance with all design standards established in this Article, and upon performance of all conditions attached to any Specific Use Permit, variance, appeal, conditional rezoning, or Master Development Plan issued pursuant to this Chapter.
- (b) No person, firm or corporation and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter.

35-303 *Establishment of districts*

(a) *Base Zoning Districts*

In accordance with the requirement of VTCA Local Government Code § 211.005 that zoning regulation be by districts, the City, as shown on the Official Zoning Map accompanying this Chapter and incorporated herein by this reference, is hereby divided into the following zoning districts, the Overlay and Special Zoning Districts established in subsections (b) and (c) hereto, and the Conditional Zoning Districts established pursuant to [§ 35-321](#) of this Article, which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

“RP” Resource Protection
“RE” Residential Estate
“R-20” Residential Single-Family
“R-6” Residential Single-Family
“RM-6” Residential Mixed
“R-5” Residential Single-Family
“RM-5” Residential Mixed
“R-4” Residential Single-Family
“RM-4” Residential Mixed
“MF-25” Multi-Family
“MF-33” Multi-Family
“MF-40” Multi-Family
“MF-50” Multi-Family
“O-1” Office

"O-2" Office
"NC" Neighborhood Commercial
"C-1" Light Commercial
"C-2" Commercial "C-3" General Commercial C-2NA Commercial, Nonalcoholic Sales
C-3R Restrictive Commercial
C-3NA General Commercial, Nonalcoholic Sales
"D" Downtown
"L" Light Industrial
"I-1" General Industrial
"I-2" Heavy Industrial

(b) Overlay Districts

The City hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The Overlay Districts established by this Chapter, including the symbol for each type of district is as follows: ["AHOD" Airport Hazard Overlay District](#)

"ERZD" Edwards Recharge
"H" Historic District
"MAO-1" Military Airport Overlay 1
"MAO-2" Military Airport Overlay 2
["NC" Neighborhood Conservation Districts](#)
["UC" Utility Conversion Districts](#)
["VP" Viewshed Protection Districts](#)

(c) Special Districts

Special Districts are created by Division 5 of this Article to address unique situations. However, unlike Overlay Districts, Special Districts replace the standards and requirements of the Base Districts.

"MXD" Mixed Use District
"TOD" Transit Overlay District
"IDZ" Infill Development Zone
"MPCD" Master Planned Community Districts
"PUD" Planned Unit Development
"RW-1" River Walk Overlay - 1
"RW-2" River Walk Overlay - 2
"RW-3" River Walk Overlay - 3
"RW-4" River Walk Overlay - 4
"RW-5" River Walk Overlay - 5
"RW-6" River Walk Overlay - 6
"RW-N" River Walk Overlay – Node
"MR" Military Reservation District
"BP" Business Park District
"SG" Sand & Gravel District
"QD" Quarry District
"ED" Entertainment District

“DR” Development Reserve
“NP-8” Neighborhood Preservation District
“NP-10” Neighborhood Preservation District
“NP-15” Neighborhood Preservation District
“MH” Manufactured Housing District

(d) Conditional Zoning Districts

See [§ 35-321](#) of this Article.

(e) Additional Zoning Districts

Additional zoning districts may be added from time to time upon the recommendation of the Zoning Commission to the City Council pursuant to § 35-421 of this Chapter. Proposed changes to the zoning district regulations, including the addition of new zoning districts and incidental changes to the Official Zoning Map, may be submitted by the Zoning Commission or any other interested party.

(f) Conversion Matrix

Districts established prior to the date of adoption of this Ordinance are set forth in Appendix D to this Chapter. The City hereby finds and determines that the existence of two separate zoning district classifications, one dating from 1938 and the other dating from 1965, causes confusion and difficulties in the administration of the zoning regulations and periodic updates to the City’s comprehensive planning policies. In order to ease the administration of this Ordinance, the City hereby adopts the conversion matrix established in Appendix D to this Ordinance by reference in order to determine the appropriate zoning classification each property within the zoning jurisdiction of the City.

35-304 Official Zoning Map

The maps delineating the boundaries of the various zoning districts together with all matters and things shown on such maps are adopted and approved, incorporated herein and made a part thereof and collectively shall constitute the official zoning map. These maps are on file in the office of the Director of Planning, and such zoning maps and all notations, references and other information shown on such zoning maps are as much a part of this chapter as if the matters and information set forth by such maps were all fully described herein. All amendments to the official map shall be listed in the order adopted in a separate register maintained in and kept current by the department of planning. The official zoning map shall carry the zoning district designations established in § 35-303 and Appendix D (Conversion Matrix) to this Chapter.

35-305 Zoning district boundaries

When definite distances in feet are not shown on the zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the right-of-way or center lines of streets, highways, or alleys shall be construed to follow such right-of-way or center lines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (c) Boundaries indicated as approximately following city limits shall be construed as following city limits;
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (e) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (f) Whenever any street, alley or other public way not subject to zoning regulations is vacated by official action of the city council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation, and all area so involved shall then and henceforth be subject to all regulations of the extended districts;
- (g) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning maps, or in other circumstances not covered by the foregoing, the Director of Planning shall interpret the district boundaries with appeal to the Board of Adjustment.

35-306 *Rezoning*

The City Council may, from time to time, reclassify a parcel from one zoning district to another as provided by VTCA Local Government Code § 211.007 and § 35-421 of this Chapter.

35-307 *Newly annexed territory*

Annexed property shall be zoned in accordance with the procedures required by state law and this Section.

(a) *Generally – Interim Zoning*

From the date of annexation until the property is zoned to a permanent zoning classification, annexed property will be zoned as an interim “RP” Development Reserve (“DR”) district except as otherwise provided in this section.

(b) *Zoning in conjunction with annexation proceedings*

The owner, or owners of property being annexed to the city, may apply for zoning of said property on or after the date on which the city council institutes annexation proceedings as referred to in VTCA Local Government Code, Sec. 43.0561 (“first reading” ordinance, Section , paragraph 2 of the City Charter). In connection with such proceedings, the provisions of the state enabling legislation (VTCA Local Government Code, Chapter 211) and of this chapter concerning notice to adjacent property owners and by publication, public hearing or hearings and recommendation by the zoning commission shall be

followed, and further, notice shall be mailed to those property owners, both inside and outside the corporate limits of the city, whose property is within two hundred (200) feet of the area in question.

(c) *Master-Planned Developments*

For any master-planned development approved as a Planned Unit Development, Master Planned Community District, Traditional Neighborhood Development, or a Business Park, the City may incorporate the terms of the City approved Master Development Plan into a zoning ordinance following annexation of a property.

(d) *Development Agreements*

Property that is subject to a development agreement may be designated in accordance with any zoning district classifications set forth in the development agreement, and shall be regulated by the development agreement. Said zoning classifications shall be applied upon the revision of the Official Zoning Map pursuant to § 35-421 of this Chapter. For purposes of this subsection, a “development agreement” means and refers to any agreement adopted pursuant to VTCA Local Government Code §§ 43.0563 (Contracts For Provision Of Services In Lieu Of Annexation); 42.046 (Designation of a Planned Unit Development District in Extraterritorial Jurisdiction); and 43.127 (Annexation for Full Purposes).

(e) *Long Range Comprehensive Plan*

The Master Plan requires the City to prepare a comprehensive land use plan (Urban Design, Policies 1a, 1c). Pursuant to VTCA Local Government Code § 219.002, the City may prepare a comprehensive plan to “coordinate and guide the establishment of development regulations” pursuant to § 35-420 of this Chapter. Accordingly, the City may prepare a Comprehensive Plan with land use categories and a designation of the zoning districts related to the land use categories as part of a Comprehensive Plan. The owner or owners of property may apply for rezoning to a classification consistent with the Comprehensive Plan in lieu of a temporary zoning classification, in accordance with the procedures set forth in subsection (a) hereto.